| 1 2 | PHILLIP A. TALBERT United States Attorney CHRISTOPHER S. HALES | | | |
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| 3 | Assistant U.S. Attorney 501 I Street, Suite 10-100 | | | |
| 4 | Sacramento, CA 95814 (916) 554-2700 | | | |
| 5 | Attorneys for Plaintiff | | | |
| 6 | United States of America | | | |
| 7 | | | | |
| 8 | UNITED STATES DISTRICT COURT | | | |
| 9 | EASTERN DISTRICT OF CALIFORNIA | | | |
| 10 | | | | |
| 11 | In re: Marijuana Possession Dismissals Pursuant to October 6, 2022, Presidential | | | |
| 12 | Proclamation Pardoning Individuals for the UNITED STATES'S MOTION TO DISMISS AND | | | |
| 13 | Offense of Simple Possession of Marijuana) RECALL BENCH WARRANTS;) ORDER | | | |
| 14 | | | | |
| 15 | | | | |
| 16 | j) | | | |
| 17 | | | | |
| 18 | Dismissal of Marijuana Possession Cases Pursuant to Presidential Pardon | | | |
| 19 | By a presidential proclamation on October 6, 2022, President Biden announced a pardon for | | | |
| 20 | federal misdemeanor marijuana possession offenses. Pursuant to that presidential pardon and Rule | | | |
| 21 | 48(a) of the Federal Rules of Criminal Procedure, plaintiff United States of America, by and through i | | | |
| 22 | undersigned attorney, hereby moves this Honorable Court for an Order dismissing the 196 misdemean | | | |
| 23 | marijuana possession cases listed in Exhibit A to this motion, and to recall all associated warrants. | | | |
| 24 | The list below contains those Eastern District of California marijuana possession cases that the | | | |
| 25 | U.S. Attorney's office has identified to date as still pending before the Sacramento division of the | | | |
| 26 | | | | |
| 27 28 | 1 See https://www.whitehouse.gov/briefing-room/presidential-actions/2022/10/06/granting-pardon-for-the-offense-of-simple-possession-of-marijuana/ (last accessed August 7, 2023). | | | |
| | MOTION AND ORDER TO | | | |

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MOTION AND ORDER TO
DISMISS AND RECALL BENCH WARRANTS

IN RE: PRESIDENTIAL PROCLAMATION OF OCTOBER 6, 2022

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district, including Redding, that have assigned ECF case numbers. Many of these cases remain open 1 because they are in warrant status. Consistent with President Biden's proclamation, the government 2 therefore requests that this Court order dismissal of these cases and recall of all associated warrants. 3 Respectfully submitted, 4 5 Dated: August 8, 2023 PHILLIP A. TALBERT 6 United States Attorney 7 8 9 CHRISTOPHER S. HALES Assistant United States Attorney 10 11 12 **ORDER** 13 14 As Chief Magistrate Judge for the Eastern District of California, and pursuant to the motion of 15 the United States, I hereby order dismissal of each misdemeanor marijuana possession case listed below 16 in Exhibit A, and the recall of all warrants associated with each case. I further direct the Clerk of the 17 Court to file a copy of this signed order in each of the cases listed below. 18 IT IS SO ORDERED. 19 Dated: August 9, 2023 20 21 UNITED STATES MAGISTRATE JUDGE 22 23 24 25 26 27

MOTION AND ORDER TO
DISMISS AND RECALL BENCH WARRANTS

Exhibit A List of Cases to be Dismissed

| 1 2:17-PO-00495-DB Jose Rosas 2 2:18-PO-00011-AC Frank Martinez 3 2:18-PO-00138-AC Daniel R. Carlson 4 2:18-PO-00149-DB Robert Mesta 5 2:18-PO-00331-DB Kevin B. Cowan 6 2:19-PO-00032-AC Cherish Carter 7 2:19-PO-00304-DB Joshua N. Stark 8 2:20-PO-00040-AC Michael V. Dzigorski 10 2:20-PO-0040-AC Michael V. Dzigorski 10 2:20-PO-0040-AC Michael V. Dzigorski 10 2:20-PO-0040-AC Michael V. Dzigorski 11 2:20-PO-00300-EFB Mario Bargas 12 2:20-PO-00300-EFB Mario Bargas 12 2:20-PO-00462-DB Shaundell M. Hatcher-Harri 13 2:20-PO-00479-CKD Jasmine Moschell 14 2:20-PO-00479-CKD Robert Williams 15 2:20-PO-00602-DB Thomas Hasch 16 2:21-PO-00159-AC Zachary J. Noack 17 2:21-PO-00124-CKD Winston Jackson | ECF Case Number | | Defendant | |
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| 3 2:18-PO-00138-AC Daniel R. Carlson 4 2:18-PO-00331-DB Robert Mesta 5 2:18-PO-00331-DB Kevin B. Cowan 6 2:19-PO-00032-AC Cherish Carter 7 2:19-PO-00304-DB Joshua N. Stark 8 2:20-PO-00038-AC Aron Daniel 9 2:20-PO-00040-AC Michael V. Dzigorski 10 2:20-PO-0040-AC Michael V. Dzigorski 11 2:20-PO-00300-EFB Mario Bargas 12 2:20-PO-00300-EFB Mario Bargas 12 2:20-PO-00462-DB Shaundell M. Hatcher-Harri 13 2:20-PO-00479-CKD Jasmine Moschell 14 2:20-PO-00602-DB Thomas Hasch 16 2:21-PO-00562-CKD Robert Williams 15 2:20-PO-00602-DB Thomas Hasch 16 2:21-PO-00195-DB Anthony Wright 18 2:21-PO-00195-DB Anthony Wright 18 2:21-PO-00282-CKD Kurt Smith 20 2:21-PO-00390-JDP Michael R. Block 21 | 1 | 2:17-PO-00495-DB | Jose Rosas | |
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| 6 2:19-PO-00032-AC Cherish Carter 7 2:19-PO-00034-DB Joshua N. Stark 8 2:20-PO-00038-AC Aron Daniel 9 2:20-PO-00040-AC Michael V. Dzigorski 10 2:20-PO-00205-KJN Scott S. Barrett 11 2:20-PO-00300-EFB Mario Bargas 12 2:20-PO-00462-DB Shaundell M. Hatcher-Harri 13 2:20-PO-00479-CKD Jasmine Moschell 14 2:20-PO-00562-CKD Robert Williams 15 2:20-PO-00602-DB Thomas Hasch 16 2:21-PO-00159-AC Zachary J. Noack 17 2:21-PO-00195-DB Anthony Wright 18 2:21-PO-00274-CKD Winston Jackson 19 2:21-PO-00282-CKD Kurt Smith 20 2:21-PO-00369-JDP Michael R. Block 21 2:21-PO-00390-JDP Michael Meletiou 22 2:21-PO-00405-JDP Allen White 24 2:21-PO-0041-AC Donald Clontz 25 2:21-PO-00442-AC Robert T. Ocoboc 26 <td>4</td> <td>2:18-PO-00149-DB</td> <td colspan="2">Robert Mesta</td> | 4 | 2:18-PO-00149-DB | Robert Mesta | |
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| 27 2:22-PO-00020-KJN Michael A. Heller 28 2:22-PO-00235-DB Michael Binder 29 3:16-PO-00006-CMK Mindy J. Gaede 30 3:16-PO-00008-CMK Tonka Gritts 31 3:16-PO-00016-CMK Johnny C. Lor 32 3:16-PO-00019-CMK Stephen Lundquist 33 3:16-PO-00021-CMK Warren Martin | 25 | 2:21-PO-00442-AC | Robert T. Ocoboc | |
| 28 2:22-PO-00235-DB Michael Binder 29 3:16-PO-00006-CMK Mindy J. Gaede 30 3:16-PO-00008-CMK Tonka Gritts 31 3:16-PO-00016-CMK Johnny C. Lor 32 3:16-PO-00019-CMK Stephen Lundquist 33 3:16-PO-00021-CMK Warren Martin | 26 | 2:21-PO-00475-KJN | Harold Deaulette | |
| 29 3:16-PO-00006-CMK Mindy J. Gaede 30 3:16-PO-00008-CMK Tonka Gritts 31 3:16-PO-00016-CMK Johnny C. Lor 32 3:16-PO-00019-CMK Stephen Lundquist 33 3:16-PO-00021-CMK Warren Martin | 27 | 2:22-PO-00020-KJN | Michael A. Heller | |
| 30 3:16-PO-00008-CMK Tonka Gritts 31 3:16-PO-00016-CMK Johnny C. Lor 32 3:16-PO-00019-CMK Stephen Lundquist 33 3:16-PO-00021-CMK Warren Martin | 28 | 2:22-PO-00235-DB | Michael Binder | |
| 31 3:16-PO-00016-CMK Johnny C. Lor 32 3:16-PO-00019-CMK Stephen Lundquist 33 3:16-PO-00021-CMK Warren Martin | 29 | 3:16-PO-00006-CMK | Mindy J. Gaede | |
| 32 3:16-PO-00019-CMK Stephen Lundquist 33 3:16-PO-00021-CMK Warren Martin | 30 | 3:16-PO-00008-CMK | Tonka Gritts | |
| 33 3:16-PO-00021-CMK Warren Martin | 31 | 3:16-PO-00016-CMK | Johnny C. Lor | |
| | 32 | 3:16-PO-00019-CMK | Stephen Lundquist | |
| 34 3:16-PO-00026-CMK Dwayne Meyers | 33 | 3:16-PO-00021-CMK | Warren Martin | |
| | 34 | 34 3:16-PO-00026-CMK Dwayne Meyers | | |
| 35 3:16-PO-00034-CMK Johnny Lou | 35 | 3:16-PO-00034-CMK | Johnny Lou | |

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| | ECF Case Number | Defendant | | |
|----|--------------------------------------|---------------------------|--|--|
| 36 | 3:16-PO-00073-CMK Oliver Fresquez | | | |
| 37 | 3:16-PO-00111-CMK Ronald Kistle | | | |
| 38 | 3:16-PO-00133-CMK William Carter | | | |
| 39 | 3:16-PO-00135-CMK Jeremy Deleal | | | |
| 40 | 3:16-PO-00176-CMK Peter S. Graf | | | |
| 41 | 3:16-PO-00196-CMK | Gregory Crater | | |
| 42 | 3:16-PO-00213-CMK | John Moreno | | |
| 43 | 3:16-PO-00216-CMK | Silvestre Nevarez | | |
| 44 | 3:16-PO-00242-CMK | Thomas Bailey | | |
| 45 | 3:16-PO-00457-CMK | Tory Smith | | |
| 46 | 3:16-PO-00502-CMK | Larry E. Sipes | | |
| 47 | 3:16-PO-00521-CMK | Anthony E. Deal | | |
| 48 | 3:16-PO-00552-CMK | Lee Khang | | |
| 49 | 3:16-PO-00571-CMK | Madison E. Bonnel | | |
| 50 | 3:16-PO-00573-CMK | Rogelio Deival-Riggs | | |
| 51 | 3:16-PO-00581-CMK | Warren Martin | | |
| 52 | 3:16-PO-00584-CMK | William C. Moon | | |
| 53 | 3:16-PO-00603-CMK | James E. Crosley | | |
| 54 | 3:16-PO-00609-CMK | Devin C. Johnson | | |
| 55 | 3:16-PO-00627-CMK | William R. Winstead | | |
| 56 | 3:16-PO-00629-CMK | Emillano D. Herrera-Anaya | | |
| 57 | 3:17-PO-00045-CMK | Tanyia E. Callahan | | |
| 58 | 3:17-PO-00050-CMK | Davis L. Cutter | | |
| 59 | 3:17-PO-00059-CMK | Tiffany Haner | | |
| 60 | 3:17-PO-00064-CMK | Rosser L. Jones | | |
| 61 | 3:17-PO-00069-CMK | Joshua A. Levi | | |
| 62 | 3:17-PO-00081-CMK | Eric L. Milam | | |
| 63 | 3:17-PO-00087-CMK | Justin T. Resmondo | | |
| 64 | 3:17-PO-00090-CMK | Lai H. Saeyang | | |
| 65 | 3:17-PO-00093-CMK | Danford L. Schow | | |
| 66 | 3:17-PO-00155-CMK | Robert A. Edwards | | |
| 67 | 3:17-PO-00166-CMK | Joseph V. Trevino | | |
| 68 | 3:17-PO-00167-CMK | Paul Vaughan | | |
| 69 | 3:17-PO-00171-CMK | James M. Atwood | | |
| 70 | 3:17-PO-00172-CMK | Michael A. Fontes | | |
| 71 | 3:17-PO-00177-CMK | Michael B. Yingling | | |
| 72 | 3:17-PO-00210-CMK | William A. Abrego | | |
| 73 | 3:17-PO-00224-CMK | Charles M. Niemeien | | |
| 74 | 3:17-PO-00227-CMK | Amy Tiner | | |
| 75 | 75 3:17-PO-00229-CMK Kevin L. Turner | | | |
| 76 | 3:17-PO-00242-CMK | Tianna M. Lee | | |

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| | ECF Case Number | Defendant | |
|-----|--------------------------------------|-----------------------------|--|
| 77 | 3:17-PO-00259-CMK | Travis A. Gendreau | |
| 78 | 3:17-PO-00328-CMK Marcus A. Collins | | |
| 79 | , | | |
| 80 | 3:17-PO-00345-CMK Sergio Guerrero Jr | | |
| 81 | 3:17-PO-00353-CMK | | |
| 82 | 3:17-PO-00355-CMK | Robert A. Jones Jr | |
| 83 | 3:17-PO-00360-CMK | Katie V. Lucas | |
| 84 | 3:17-PO-00361-CMK | Alexandrya Magdalenochapman | |
| 85 | 3:17-PO-00368-CMK | James Pawlyk | |
| 86 | 3:17-PO-00374-CMK | Christopher W. Rathja Jr | |
| 87 | 3:17-PO-00386-CMK | Nicholas Schave | |
| 88 | 3:17-PO-00393-CMK | Jodie A. Teal | |
| 89 | 3:17-PO-00395-CMK | Justin L. Wade | |
| 90 | 3:17-PO-00396-CMK | Franklin A. Williams | |
| 91 | 3:17-PO-00451-CMK | Rodney W. Young | |
| 92 | 3:17-PO-00508-CMK | Sarah S. Hayburn | |
| 93 | 3:17-PO-00598-CMK | Giovanni A. Cabrera-Caicedo | |
| 94 | 3:17-PO-00622-CMK | Antonio J. Ramirez | |
| 95 | 3:17-PO-00629-CMK | Ruben Vargas | |
| 96 | 3:17-PO-00661-CMK | Gary T. Haren | |
| 97 | 3:17-PO-00670-CMK | Brandon Birron | |
| 98 | 3:17-PO-00675-CMK | Alexander W. Calvert | |
| 99 | 3:17-PO-00682-CMK | Carlos X. Cruz | |
| 100 | 3:17-PO-00693-CMK | James O. Hamilton II | |
| 101 | 3:17-PO-00696-CMK | Eric L. Hatfield | |
| 102 | 3:17-PO-00703-CMK | Larry Laird | |
| 103 | 3:17-PO-00712-CMK | Jaime E. Montana Equihua | |
| 104 | 3:17-PO-00720-CMK | Sarah E. Preston | |
| 105 | 3:17-PO-00726-CMK | Evan Stowers | |
| 106 | 3:18-PO-00038-CMK | Lorrie M. Robinson | |
| 107 | 3:18-PO-00041-CMK | Amber Yates | |
| 108 | 3:18-PO-00050-CMK | Albert Hernandez | |
| 109 | 3:18-PO-00086-CMK | Jeffrey J. Quinlain | |
| 110 | 3:18-PO-00096-CMK | Jon W. Payne | |
| 111 | 3:18-PO-00097-CMK | Roy J. Petersen | |
| 112 | 3:18-PO-00102-CMK | Franklin A. Patty | |
| 113 | 3:18-PO-00114-CMK | Nhou C. Vang | |
| 114 | 3:18-PO-00123-CMK | Charles K. Day | |
| 115 | 3:18-PO-00178-CMK | Bobby Manjoet | |
| 116 | 3:18-PO-00262-DMC | Michael J. Singer | |
| 117 | 3:18-PO-00281-DMC | Daniel R. Bordner | |

| 1 | | | ECF Case Number | Defendant |
|-----|---|-----|-------------------|----------------------------|
| 1 | 1 | 18 | 3:18-PO-00291-DMC | Nicholas P. Johnson |
| 2 | 1 | 119 | 3:18-PO-00305-DMC | Tou Thao |
| 3 | 1 | 120 | 3:18-PO-00340-DMC | Caleb L. Centeno |
| 3 | 1 | 121 | 3:18-PO-00342-DMC | Darrin R. Dickson |
| 4 | 1 | 122 | 3:18-PO-00346-DMC | John A. Gray Jr |
| 5 | 1 | 123 | 3:18-PO-00353-DMC | Jackson C. Kircher |
| J | 1 | 124 | 3:18-PO-00357-DMC | Tracy A. Line |
| 6 | 1 | 125 | 3:18-PO-00361-DMC | Maguel K. Mendez |
| 7 | 1 | 126 | 3:18-PO-00368-DMC | Casey J. Rowland |
| | | 127 | 3:18-PO-00371-DMC | Deborah Stein |
| 8 | | 128 | 3:18-PO-00376-DMC | Antonia D. Bautist-Adalson |
| 9 | 1 | 129 | 3:18-PO-00382-DMC | Jullian J. Haymon |
| | | 130 | 3:18-PO-00387-DMC | Kiel Laubisch |
| 10 | | 131 | 3:18-PO-00396-DMC | Ton Fow Saephan |
| 11 | | 132 | 3:18-PO-00401-DMC | Deon M. Stanford |
| | | 133 | 3:18-PO-00418-DMC | Jose F. Mendoza |
| 12 | | 134 | 3:18-PO-00421-DMC | Rachel I. Rabago |
| 13 | | 135 | 3:18-PO-00423-DMC | Eberto Tafolla-Solorio |
| | | 136 | 3:18-PO-00426-DMC | Ethan J. Willison |
| 14 | | 137 | 3:18-PO-00427-DMC | Riley E. Young |
| 15 | | 138 | 3:18-PO-00441-DMC | Brian J. Schricker |
| | | 139 | 3:19-PO-00062-DMC | Aaron D. Hightower |
| 16 | | 140 | 3:19-PO-00064-DMC | Richard E. Kiser Jr |
| 17 | | 141 | 3:19-PO-00082-DMC | Michael A. Crist |
| | | 142 | 3:19-PO-00125-DMC | Danny Pitcher |
| 18 | | 143 | 3:19-PO-00141-DMC | Fermin C. Salas Jr |
| 19 | | 144 | 3:19-PO-00227-DMC | Christina M. Halcon |
| | | 145 | 3:19-PO-00228-DMC | Billy W. Larkins |
| 20 | | 146 | 3:19-PO-00264-DMC | Candice R. Beals |
| 21 | | 147 | 3:19-PO-00267-DMC | Ismael Caro Jr |
| | | 148 | 3:20-PO-00002-DMC | Christian C. Arguello |
| 22 | | 149 | 3:20-PO-00005-DMC | Daniel R. Bowman |
| 23 | | 50 | 3:20-PO-00008-DMC | Jerry W. Cox |
| | | 51 | 3:20-PO-00009-DMC | Nathaniel E. Craig |
| 24 | | 52 | 3:20-PO-00013-DMC | Rachelle L. Munoz |
| 25 | | 153 | 3:20-PO-00020-DMC | Troy C. Tolan |
| 0.0 | | 54 | 3:20-PO-00040-DMC | Santiago D. Ibanez |
| 26 | | 155 | 3:20-PO-00137-DMC | James Thomas |
| 27 | | 156 | 3:20-PO-00216-DMC | Jose U. Alvarez-Madrigal |
| 20 | | 57 | 3:20-PO-00232-DMC | Julie M. Byers |
| 28 | | 158 | 3:20-PO-00273-DMC | Zachary M. Hancock |

| 1 | | | ECF Case Number | Defendant |
|----|----------|-----|-------------------|------------------------|
| _ | | 159 | 3:20-PO-00281-DMC | Adrian L. Henson |
| 2 | | 160 | 3:20-PO-00282-DMC | Jon U. Hershman |
| 3 | | 161 | 3:20-PO-00291-DMC | Jesse C. Keisner |
| 3 | | 162 | 3:20-PO-00315-DMC | Jason F. Munoz |
| 4 | | 163 | 3:20-PO-00349-DMC | Steven W. Schick |
| 5 | | 164 | 3:20-PO-00363-DMC | Dustin W. Webster |
| 5 | | 165 | 3:20-PO-00395-DMC | Arthur Chacon |
| 6 | | 166 | 3:20-PO-00414-DMC | Vincent Galindo |
| 7 | | 167 | 3:20-PO-00428-DMC | Shane L. Hayes |
| ′ | | 168 | 3:20-PO-00449-DMC | Matthew C. Morrison |
| 8 | | 169 | 3:20-PO-00477-DMC | Kevin L. Son |
| 9 | | 170 | 3:21-PO-00010-DMC | Simon L. Bigall |
| | | 171 | 3:21-PO-00022-DMC | Ashley Hitcher |
| 10 | | 172 | 3:21-PO-00063-DMC | Robert J. McMaster |
| 11 | | 173 | 3:21-PO-00072-DMC | Jim H. Harper |
| | | 174 | 3:21-PO-00077-DMC | Juan Perez |
| 12 | | 175 | 3:21-PO-00111-DMC | Jose J. Esparza |
| 13 | | 176 | 3:21-PO-00119-DMC | Jon W. Graham |
| | | 177 | 3:21-PO-00136-DMC | Levi M. Rogers |
| 14 | | 178 | 3:21-PO-00158-DMC | Rebecca Clarke |
| 15 | | 179 | 3:21-PO-00175-DMC | Jade S. Wilt |
| | | 180 | 3:21-PO-00183-DMC | Milton L. Booker |
| 16 | | 181 | 3:21-PO-00193-DMC | Johnny W. Gragg |
| 17 | | 182 | 3:21-PO-00195-DMC | David W. Griffin |
| | | 183 | 3:21-PO-00290-DMC | Tia A. Smith |
| 18 | | 184 | 3:21-PO-00324-DMC | Colton Hastings |
| 19 | | 185 | 3:21-PO-00345-DMC | Adrienne J. Blake |
| | | 186 | 3:22-PO-00018-DMC | Brian D. Tynes |
| 20 | | 187 | 3:22-PO-00030-DMC | Anthony Jimenez |
| 21 | | 188 | 3:22-PO-00043-DMC | Michael J. McDonald |
| | <u> </u> | 189 | 3:22-PO-00065-DMC | Eli J. Hancock |
| 22 | <u> </u> | 190 | 3:22-PO-00105-DMC | Christopher L. Simmons |
| 23 | | 191 | 3:22-PO-00117-DMC | Sean Roccoforte |
| | | 192 | 3:22-PO-00222-DMC | Valeria C. Diaz |
| 24 | | 193 | 3:22-PO-00231-DMC | Peter J. Grundig |
| 25 | | 194 | 3:22-PO-00245-DMC | Domanick W. Rawlins |
| | | 195 | 3:22-PO-00262-DMC | Brandy L. Bemis |
| 26 | L | 196 | 3:22-PO-00273-DMC | Karolina Hajdas |

MOTION AND ORDER TO
DISMISS AND RECALL BENCH WARRANTS

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